

[Roll No. 239]

AYES—226

Aderholt	Goodlatte	Paul
Akin	Goss	Pearce
Bachus	Granger	Pence
Baker	Graves	Peterson (PA)
Ballenger	Green (TX)	Petri
Barrett (SC)	Green (WI)	Pitts
Bartlett (MD)	Greenwood	Platts
Barton (TX)	Gutknecht	Pombo
Bass	Hall	Porter
Beauprez	Harris	Portman
Bereuter	Hart	Pryce (OH)
Biggert	Hastings (WA)	Putnam
Bilirakis	Hayes	Quinn
Bishop (UT)	Hayworth	Radanovich
Blackburn	Hefley	Ramstad
Blunt	Hensarling	Regula
Boehlert	Herger	Rehberg
Boehner	Hobson	Renzi
Bonilla	Hoekstra	Reyes
Bonner	Hostettler	Reynolds
Bono	Houghton	Rodriguez
Boozman	Hulshof	Rogers (AL)
Bradley (NH)	Hyde	Rogers (KY)
Brady (TX)	Isakson	Rogers (MI)
Brown (SC)	Issa	Rohrabacher
Burgess	Istook	Ros-Lehtinen
Burns	Jenkins	Royce
Burr	John	Ryan (WI)
Buyer	Johnson (CT)	Ryun (KS)
Calvert	Johnson (IL)	Sandlin
Camp	Johnson, Sam	Saxton
Cannon	Jones (NC)	Schrock
Cantor	Keller	Sensenbrenner
Capito	Kelly	Sessions
Carter	Kennedy (MN)	Shadegg
Chabot	King (IA)	Shaw
Chocola	King (NY)	Shays
Coble	Kingston	Sherwood
Cole	Kirk	Shimkus
Cox	Kline	Shuster
Crane	Knollenberg	Simmons
Crenshaw	Kolbe	Simpson
Cubin	LaHood	Smith (MI)
Culberson	Latham	Smith (NJ)
Cunningham	LaTourette	Smith (TX)
Davis, Jo Ann	Leach	Souder
Davis, Tom	Lewis (CA)	Stearns
Deal (GA)	Lewis (KY)	Sullivan
DeLay	Linder	Sweeney
Diaz-Balart, L.	LoBiondo	Tancredito
Diaz-Balart, M.	Lucas (OK)	Tauzin
Doolittle	Manzullo	Taylor (NC)
Dreier	McCotter	Terry
Duncan	McCrery	Thomas
Dunn	McInnis	Thornberry
Edwards	McKeon	Tiahrt
Emerson	Mica	Tiberi
English	Miller (FL)	Toomey
Everett	Miller (MI)	Turner (OH)
Feeney	Miller, Gary	Upton
Ferguson	Moran (KS)	Vitter
Flake	Murphy	Walden (OR)
Foley	Musgrave	Walsh
Forbes	Myrick	Wamp
Fossella	Nethercutt	Weldon (FL)
Franks (AZ)	Neugebauer	Weldon (PA)
Frelinghuysen	Ney	Weller
Gallegly	Northup	Whitfield
Garrett (NJ)	Norwood	Wicker
Gerlach	Nunes	Wilson (NM)
Gibbons	Nussle	Wilson (SC)
Gilchrest	Ortiz	Wolf
Gillmor	Osborne	Young (AK)
Gingrey	Ose	Young (FL)
Gonzalez	Otter	
Goode	Oxley	

NOES—193

Abercrombie	Boyd	Cummings
Ackerman	Brady (PA)	Davis (AL)
Alexander	Brown (OH)	Davis (CA)
Allen	Brown, Corrine	Davis (FL)
Andrews	Capps	Davis (IL)
Baca	Capuano	Davis (TN)
Baird	Cardin	DeFazio
Baldwin	Cardoza	DeGette
Becerra	Case	Delahunt
Bell	Castle	DeLauro
Berkley	Chandler	Dicks
Berman	Clay	Dingell
Berry	Clyburn	Doggett
Bishop (GA)	Conyers	Dooley (CA)
Bishop (NY)	Cooper	Doyle
Blumenauer	Costello	Emanuel
Boswell	Cramer	Engel
Boucher	Crowley	Eshoo

Etheridge	Lipinski	Rothman
Evans	Lofgren	Roybal-Allard
Farr	Lowey	Ruppersberger
Fattah	Lucas (KY)	Rush
Finler	Lynch	Ryan (OH)
Ford	Majette	Sabo
Frank (MA)	Maloney	Sánchez, Linda
Frost	Markey	T.
Gephardt	Marshall	Sanchez, Loretta
Gordon	Matheson	Sanders
Grijalva	Matsui	Schakowsky
Gutierrez	McCarthy (MO)	Schiff
Harman	McCarthy (NY)	Scott (GA)
Hastings (FL)	McCollum	Scott (VA)
Herseeth	McDermott	Serrano
Hill	McGovern	Sherman
Hinchev	McHugh	Skelton
Hinojosa	McIntyre	Slaughter
Hoefl	McNulty	Smith (WA)
Holden	Meehan	Snyder
Holt	Meek (FL)	Solis
Honda	Meeks (NY)	Spratt
Hoolley (OR)	Menendez	Stark
Hoyer	Michaud	Stenholm
Inslee	Miller (NC)	Strickland
Israel	Miller, George	Stupak
Jackson (IL)	Mollohan	Tanner
Jackson-Lee	Moore	Tauscher
(TX)	Moran (VA)	Taylor (MS)
Jefferson	Murtha	Thompson (CA)
Johnson, E. B.	Nadler	Thompson (MS)
Jones (OH)	Napolitano	Tierney
Kanjorski	Neal (MA)	Towns
Kaptur	Oberstar	Turner (TX)
Kennedy (RI)	Obey	Udall (CO)
Kildee	Olver	Udall (NM)
Kilpatrick	Owens	Van Hollen
Kind	Pallone	Velázquez
Kleczka	Pastor	Visclosky
Kucinich	Payne	Waters
Langevin	Pelosi	Watt
Lantos	Peterson (MN)	Waxman
Larsen (WA)	Pomeroy	Weiner
Larson (CT)	Price (NC)	Wexler
Lee	Rahall	Woolsey
Levin	Rangel	Wu
Lewis (GA)	Ross	Wynn

NOT VOTING—14

Brown-Waite,	DeMint	Millender-
Ginny	Deutsch	McDonald
Burton (IN)	Ehlers	Pascarell
Carson (IN)	Hunter	Pickering
Carson (OK)	Lampson	Watson
Collins		

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1304

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC and therefore unable to be on the House Floor for rollcall votes 236, 237, 238 and 239. Had I been here I would have voted "aye" for rollcall vote 236, "aye" for rollcall vote 237, "aye" for rollcall vote 238, and "aye" for rollcall vote 239.

REPORT ON H.R. 4567, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2005

Mr. ROGERS of Kentucky, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108-541) on the bill (H.R. 4567) making appropriations for the Department of Homeland Security for the fiscal year

ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON H.R. 4568, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. TAYLOR of North Carolina, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108-542) on the bill (H.R. 4568) making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

RENEWABLE ENERGY PROJECT SITING IMPROVEMENT ACT OF 2004

Mr. POMBO. Mr. Speaker, pursuant to House Resolution 672, I call up the bill (H.R. 4513) to provide that in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 with respect to any action authorizing a renewable energy project, no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 672, the bill is considered read for amendment.

The text of H.R. 4513 is as follows:

H.R. 4513

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENVIRONMENTAL REVIEW FOR RENEWABLE ENERGY PROJECTS.

(a) COMPLIANCE WITH NEPA FOR RENEWABLE ENERGY PROJECTS.—Notwithstanding any other law, in preparing an environmental assessment or environmental impact statement required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) with respect to any action authorizing a renewable energy project under the jurisdiction of a Federal agency—

(1) no Federal agency is required to identify alternative project locations or actions other than the proposed action and the no action alternative; and

(2) no Federal agency is required to analyze the environmental effects of alternative locations or actions other than those submitted by the project proponent.

(b) CONSIDERATION OF ALTERNATIVES.—In any environmental assessment or environmental impact statement referred to in subsection (a), the Federal agency shall only identify and analyze the environmental effects and potential mitigation measures of—

(1) the proposed action; and

(2) the no action alternative.

(c) PUBLIC COMMENT.—In preparing an environmental assessment or environmental impact statement referred to in subsection (a), the Federal agency shall only consider public comments that specifically address the preferred action and that are filed within 20 days after publication of a draft environmental assessment or draft environmental impact statement. Notwithstanding any other law, compliance with this subsection is deemed to satisfy section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines with respect to proposed renewable energy projects.

(d) DEFINITION.—For purposes of this section, the term “renewable energy project”—

(1) means any proposal to utilize an energy source other than nuclear power or the combustion of coal, oil or natural gas; and

(2) includes but is not be limited to the use of wind, solar, geothermal, or tidal forces to generate energy.

The SPEAKER pro tempore. After one hour of debate on the bill, it shall be in order to consider the amendment printed in part A of House Report 108–540 if offered by the gentleman from California (Mr. POMBO), or his designee, which shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. POMBO) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 4513 expedites the development of renewable energy projects such as wind, tidal, solar, and geothermal by streamlining, but not weakening, the environmental review process.

The bill instructs the responsible agency to review and take public comment only on the most feasible project. Simplifying the process is necessary to incentivize participation in renewable energy projects which are economically marginal to start.

The bottom line is that H.R. 4513 encourages developers to commit capital to renewable energy projects and puts the government in position to put that capital to work sooner.

NEPA requires review of reasonable alternatives, and H.R. 4513 takes the intelligent step of defining “reasonable” alternatives for renewable energy projects rather than having it defined through litigation, which those opposed to this bill may ultimately want to do.

Since renewable energy projects are largely place-based, which means that they can only make use of the site where the resources are found, the only reasonable alternatives are, one, the proposed project, and, two, no action.

This bill does nothing to change the requirement that a Federal agency follow the NEPA environmental review process, including mitigation. At the end of the NEPA process, if the agency is not satisfied that the project meets

environmental requirements, then the agency official can deny the permit.

Despite what agenda-driven extremist groups might suggest, public comment is not limited. Anyone can make comments on the project. It does require that the comments be focused on the preferred action, which is consistent with the NEPA regulations request that comments be as specific as possible.

H.R. 4513 has no effect on any other environmental law or action. For example, while H.R. 4513 addresses alternatives during NEPA review of hydroelectric projects, it does nothing to affect any of the environmental safeguards otherwise found in the relicensing process.

The bill actually improves an agency's environmental review by focusing on the most viable project rather than having it distracted by misdirected and ineffective alternatives.

Renewable energy projects create jobs. Wind power creates 2.77 jobs for every megawatt produced. Solar panels create 7.24 jobs per megawatt, and geothermal energy projects create 5.6 jobs per megawatt. These projects use large amounts of highly skilled labor and can be an engine for local construction and manufacturing jobs that pay family wages.

At the end of the day, my colleagues either support renewable energy production or they do not. This bill is necessary because of the costly litigation and bureaucratic roadblocks created by the same groups that oppose this bill. This bill provides the framework for power supplies that are affordable, reliable, secure and sustainable while at the same time fully protecting the quality of our environment.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.R. 4513. It is understandable that there is some confusion among Members about a bill listed on the schedule as the Renewable Energy Siting Improvement Act. After all, H.R. 4513 was recently introduced on June 4 and has not had a single day of hearings or markup in the Committee on Resources. Surely such a noble sounding bill must have a reasonable approach to address real problems.

Sadly, that is not the case with H.R. 4513. If there were a truth-in-labeling requirement under the House rules, this bill should more accurately be called an Act to gut the National Environmental Policy Act of 1969.

Not only is it unwise to fundamentally rewrite NEPA, one of our most important environmental laws, it is unnecessary. It is unwise because this bill would turn NEPA on its head by allowing Federal agencies to avoid considering alternatives to any renewable energy project. Under H.R. 4513, it is up or down. Take it or leave it. It is my way or the highway. The Federal agency must put blinders on, even if a pro-

posed energy project is next to a school or a park and there are more desirable alternative locations.

It is also unwise because the public is given only 20 days to comment on the up or down option being promoted by the Federal agency. As a practical matter, this means that States, local governments and ordinary citizens will be effectively out of the process of Federal agency decision-making on energy project siting.

It is unnecessary because there is no compelling evidence that complying with NEPA has thwarted responsible development of renewable energy in the United States.

Of course, some renewable energy projects are controversial, including wind farms on the mountaintops in my home State of West Virginia, but they are not going to become less controversial if we shut the door on the local citizens as would the pending measure.

In essence, this bill would make Federal agencies more powerful but less well-informed and less accountable to the States and the public than is currently the case under NEPA. In days gone by, such radical legislation would have been derided as big government by the conservatives in this body, but today I fear that H.R. 4513 is only part of a broader assault on NEPA and the public process.

So, to my colleagues from coastal areas, beware. I say beware. Today, it is wind energy. Tomorrow, it could very well be offshore oil and gas leasing.

Voting for this bill today sets a precedent. Pending before us is a feel good bill that does nothing but damage public support for responsible development of renewable energy. Let us not toss NEPA to the wind. Reject H.R. 4513.

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, I yield 4 minutes to the gentlewoman from Wyoming (Mrs. CUBIN).

(Mrs. CUBIN asked and was given permission to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, I thank the gentleman from California for the time.

I rise in strong support of H.R. 4513, the Renewable Energy Project Siting Improvement Act of 2004. This bill will greatly aid in our efforts to fill out our Nation's energy portfolio in a balanced way and in a complete manner.

We hear so often that we do not have enough renewable energy sources contributing to America's insatiable appetite for cheap and abundant energy. Here is an opportunity to increase the role that renewables play in our energy production, helping to create a safer and smarter national energy policy.

The problem that our Nation has with providing abundant and cheap energy to manufacturing plants, to agriculture users, to schools, to office buildings and to homes is not that we do not have enough energy. We have

plenty. In my home State of Wyoming, we have several hundred years of supply of low sulfur coal, clean burning natural gas and easily attainable uranium, and the wind, well, it never stops blowing in Wyoming. So if we have plenty of energy, both fossil fuels and renewables, then what is the problem?

It is simple. There are those who will stop at nothing to stop any development of any kind of our natural resources, no matter how responsibly it is done. There are those radical environmentalists that file so many lawsuits that it makes even an ambulance-chasing attorney blush.

Through the death of a thousand cuts, these same environmentalists will drag out and attempt to halt any effort to provide energy that helps our economy grow, whether it be updating transmission lines, producing natural gas or coal with the newest of technologies or even putting up an environmentally sensitive wind farm.

□ 1315

Just last year, I introduced H.R. 793, which was included in the conference report of H.R. 4 and in H.R. 4503, which the House will consider later today. This bill would address the need for statutory authority to permit future alternative energy projects on the outer continental shelf. Such projects would include energy projects such as wind, wave and solar power production. But that bill, too, was opposed by people all across the environmental community, and it was opposed particularly in Nantucket where a wind farm was already planned and financed several miles off the coast. These are the very same people who claim to be strongly supportive of alternative forms of energy, but refuse to allow even a single windmill many miles off their coast.

This hypocrisy is simply unacceptable. The bill before us is an opportunity to support the expedited, but thorough, environmental of renewable energy projects. H.R. 4513 merely requires the Federal agency focus on the actual proposed renewable energy project rather than conjure up a whole bunch of fantasy alternative projects in the name of jumping through the procedural hurdles of NEPA. The alternative energy project, if found to be environmentally unacceptable, will still be rejected by the Federal agency involved.

It is simple. Either Members are for renewable energy or they are not. It is time to move forward. The approach on alternatives in this bill was extensively debated during the consideration of the Healthy Forest legislation, and it is not a novel approach. It is consistent with NEPA. Reducing the number of alternatives in a NEPA study is a necessary step to reduce costly legislation that prevents capital investment in renewable energy projects.

I strongly urge Members' support of H.R. 4513 and ask that those who claim to be in support of renewable energy

sources put their vote where their mouth is and support a bill that actually allows renewable energy projects to get off the ground and out of the courthouses.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I want to first start by thanking the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, for working with me and others to clarify that the language in this bill is not intended to alter the existing law and the moratorium as far as drilling for oil and gas in the eastern Gulf of Mexico and other protected areas.

Having said that, I want to join the gentleman from West Virginia (Mr. RAHALL) in urging a negative vote on this bill. This bill has as a stated goal to speed up the permitting process with respect to alternative energy projects, and it certainly is a worthy goal. None of us should be afraid of trying to find better ways to have a system that is quicker, more efficient, and less bureaucratic. However, I think the bill fails to achieve that goal.

If this bill had gone to the committee, and if the bill fails here and in the Senate, hopefully it will come back to committee this Congress or next, I think Members could sit down and try to work through these details; but instead, we have a bill that really guts much of the NEPA, the National Environmental Protection Act. This bill would stop forcing Federal agencies to consider alternatives which might be more environmentally benign in my State, Florida, or others, in judging a particular project.

This law is intended to provide a voice like Florida to participate in a decision that balances the interest of the State against our energy needs and other Federal considerations. If the State does not have a voice in this discussion, then it is not a legitimate discussion.

I know my Governor, Jeb Bush, has said limiting the comment period from 45 days to 20 days deprives my State of the voice it needs to have in this conversation about environmental impact. We need to find a way to make sure the State can still be heard. By eliminating the alternative considerations, we have also limited the States' ability to comment on how to balance renewable energy needs with the details of how to site something, where to site it, and how to construct it.

There is a way to have a balanced, fair debate on how to make the National Environmental Protection Act a better law where State and Federal Government can work better together; but this is not the way to do it today, and I urge a negative vote on the bill.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just in response to my colleagues' comments on the bill, I am not exactly sure where the gentleman

from West Virginia (Mr. RAHALL) is going with his opposition. We have spent so much time on energy legislation over the past several years in the committee in trying to work this out; and one of the things I hear repeatedly from the other side of the aisle is we need to do more on renewables, we need to have more effort put into having alternative energy and renewables and environmentally friendly energy production.

This bill does that. It streamlines the process. It in no way guts NEPA. It does not change a word of any of the environmental requirements under NEPA. It does not prevent the States from commenting or change the States' ability to comment on that, or the ability for our constituents, the citizens of this country, to comment on any of the proposals that are put before us. All of that stays in place. All it does is in reducing the number of alternatives that are required of someone to come forward with is it streamlines the process.

Now, if there is something that is being built next to a school or a national park, and I love hearing that, then the agency with oversight says no. It is that simple. If somebody is that ignorant that they are going to come forward with a project next to a school or in the middle of a national park, they say no. Then they go to a different project. All we are trying to do is speed up the process.

I love listening to the other side of the aisle talk about how we need to do more on alternative energy; and when we went through all the debate on the energy bill, we talked about how we need to do more on bringing alternative energy projects to the forefront. We are trying to do that in this bill, and the other side of the aisle is still opposed to it. I am coming to the conclusion that the other side of the aisle is opposed to doing anything that produces energy. If they do not support this, and they do not support the energy bill, what are they in favor of? What do they think is a good idea to produce more energy for this country?

If they come up with some ideas, I will work with them. We did the energy bill, which was a balanced approach. We did this bill, which is to put more emphasis on nonpolluting energy sources; and they are still opposed to it. At some point they have to come forward and say we are in favor of something because our country is running out of energy. Our country is in a terrible mess on natural gas prices, on gasoline prices, on electricity prices. Everything is going up. We have shortages all over the country in different parts for different reasons; and everything that we propose to try to take care of that, they are opposed to it.

Granted, the environmental groups have a long and storied history on opposing anything, and I can take that. But as Members of Congress, we need to step forward and be leaders and say this is how we are going to take care of our energy problems into the future.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to H.R. 4513. Like many Members, I applaud the topic of the legislation. I support wind, solar, and other clean renewable energy projects. They are a critical part of a clean energy future. But renewable energy projects could have adverse impacts on the environment and also on public health if they are not sited, designed, or operated properly. This needs to be a part of the topic. It is about a local voice in having a say in what happens.

That is why projects, whether they are clean or renewable or whatever kind of project it is, must be subject to a full environmental and public health review as required by the National Environmental Protection Act, or NEPA, a process which results in a better project.

With all due respect to the Chair of the committee, H.R. 4513 seeks to remove this requirement of having a local voice in the process. Under the bill, any Federal agency would be exempt from considering alternatives when assessing the environmental impact of a project. It would virtually eliminate input from local communities, States, and the public by allowing only a 20-day comment period and only allowing comments on the proponents' proposal.

Under current law, interested parties have 45 days to comment and analyze the environmental effects of alternative locations and actions of a project. The bill's intentionally broad definition of renewable energy leaves the door wide open to waivers for environmentally harmful projects, such as some solid waste incineration, hydroelectric projects, or LNG terminals and pipelines, not just on public lands but everywhere according to the OCS.

While I salute the fact that this bill recognizes renewable energy development and its importance, it fails to ensure that environmentally important renewable energy development occurs in a timely manner, in the right locations, subject to the terms that fully protect the public's interest, and through a process that ensures ample public input and trust.

Mr. Speaker, let us make sure that all energy projects meet environmental and public health standards. I urge a "no" vote on H.R. 4513.

Mr. POMBO. Mr. Speaker, I yield myself 1 minute to engage in a colloquy with the gentlewoman.

Mr. Speaker, would the gentlewoman support the bill if we went to a 45-day comment period?

Mrs. CAPPS. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentlewoman from California.

Mrs. CAPPS. Mr. Speaker, if there were the kind of local processes that are in place now in NEPA to allow for that full discussion and have alternatives that are available for the public to have an input.

Mr. POMBO. Mr. Speaker, it does not change that part. It only changes the 45 days to 20 days. If we went to a 45-day comment period, would the gentlewoman then support the bill?

Mrs. CAPPS. Mr. Speaker, if the gentleman would continue to yield, I would have to be assured that the other pieces for having a local say would be there as well. But lengthening it to the 45 days would be more in compliance with the way it is now.

Mr. POMBO. And are there other things in the bill that change that local comment?

Mrs. CAPPS. Yes, there are; and I would be happy to discuss it further.

Mr. POMBO. Mr. Speaker, I would be willing to change it to the 45 days if that is the gentlewoman's opposition to the bill.

Mrs. CAPPS. That is one step. I would defer also to the ranking member and an ability to work that out.

Mr. POMBO. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the former chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, let me take a moment to thank all of the Members of the House on both sides of the aisle for so many expressions of love and support, and most importantly, their prayers in the last several months. They have meant a great deal to me. I am so happy to be back working for the salary and doing my job for the people of Louisiana.

It is a particular pleasure to join Members in a week we are taking up energy, which has been so much of the subject of my congressional career in the past 24 years; and I am pleased to join the gentleman from California (Chairman POMBO) and the other Members who are rising in support of this very worthwhile bill.

This is about common sense. The one thing we have lacked in energy policy in America is common sense. We passed an amazingly complex energy bill, and we will vote on that conference report again this week, and ask our colleagues in the other body to please take it up for the sake of our country, at a time when we are experiencing outrageous gasoline prices and there are blackouts in Arizona and New Mexico which are having problems with their grids, and as we are experiencing large blackouts in the northeast which could be repeated because the energy bill we passed has not been signed into law and will do something to put in place standards for conduct on those electric grids that are going to keep them sound and stable in the future.

While we sit and play party politics and silly arguments about legal constraints of one kind or another, our country suffers from a dearth of en-

ergy, and yet we continue to consume it at alarming rates and become more and more dependent upon people we cannot depend upon to send us energy.

We have not built a refinery in this country in 25 years, and yet in the last 25 years we have built 751 million new automobiles and trucks to ply our highways. Where do Members think it comes from if we are not going to produce it at home? We had great debates about a bill that contained not only conservation provisions but new initiatives to produce new oil and gas and coal and other energy in this country, and great provisions for renewable energy. But what stands in the way to get renewable energy on board in this country is all of the laws which have been passed to stop the other energy projects.

What our chairman has brought to us is a bill of commons sense which says if renewable energy projects are a priority in America, if Members really believe that, if that is what really is behind their energy policy in all of the debates this House has had, and the Senate ought to have real soon if we are going to pass an energy bill for our country, if renewable energy is really our best option, then we need to make sure it does not get tied up in legal knots.

□ 1330

It says that when a renewable energy project is offered under NEPA, that you have got two choices: You either find out that the site chosen is a good site and it ought to be built here or you do not build it there. Public comments and local government involvement is still permitted, in fact encouraged in that process. Nobody says you have to build a renewable facility under this bill. It simply says you have got two choices: Build it or do not build it. But do not tie it up in legal knots.

What legal knots are we talking about? NEPA was constructed to make sure that if an oil and gas refinery was going to ever be built in this country, that before it was built the Environmental Protection Agency had to look at every other possible site it could be built at and rule them all out before you could build it here. If you take that view with every renewable facility, every energy project that was designed to produce energy from clean, green, renewable energy, then you are giving those people who do not want to see anything built the option of tying it up in legal knots.

What the chairman is offering you is a bill that says for this priority energy, good, clean, green energy for America, at least do not tie that up in legal knots. Either build it where it is proposed to be built or decide after public comments are published and listened to and digested that the site is wrong and you should not build it at all and then go look for another site. It does not cut off public comment. It does not cut off total environmental review for health and safety reasons. It does not cut out

total assessment of the site chosen. It simply says, do not tie it up in legal knots. At least move these energy projects forward so that we do not have to depend so much on foreign oil and on countries we cannot depend upon.

It comes down to this, folks. We either start doing some things like this in this country or we are still going to have to keep sending our sons and daughters to die in some other country protecting an oil field or refinery located in Saudi Arabia, Iraq, Iran or somewhere else. Think about it that way. Is it not time we in America value our own sons and daughters a little better than that? Would you not like to see the 35,000 people who are working in Saudi Arabia today who have been ordered home because there have been threats for their lives, would you not rather see them working in America building a wind farm or a renewable energy project? This bill says you can come home. You can work in America. We are going to start building some projects that are clean and green and good for this country.

Those who vote against it are saying, We don't want to build anything. We would rather keep sending our sons and our daughters into treacherous lands in the uniform of our country to die to defend somebody else's oil field, somebody else's refinery. This is commonsense stuff. Whatever we disagreed about before, we ought not disagree on this one. Let us build some good green energy facilities in America. If you do not like where they are sited, shut them down, go build them somewhere else, but let us speed this process along. That is all that Chairman POMBO wants. That is all this country ought to at least get out of this debate.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

First I join with my colleagues in welcoming the gentleman from Louisiana back to the Congress. We know he has been through quite a battle and our prayers and thoughts were with him. I am glad to see that his full vim and vigor and rhetorical flourishes are back with us as well, the BILLY TAUZIN of old. It is good to have the gentleman back.

Let me say in response to some of his comments as well as my distinguished chairman of the full committee, the gentleman from California, as my good chairman knows and all Members of the body, I come from a coal-producing region of this country. Southern West Virginia has some of the best coal in the world. That is not just a parochial statement. I say to the gentleman that I certainly support the clean coal technology that is in the energy bill, even though it is peanuts compared to the tax credits and all the other goodies the oil industry gets, which is the main reason for my opposition to that bill. Nevertheless, clean coal technology is good, but we need more than lip service paid to clean coal technology if we want to develop alternative sources of energy in this country.

And in response to the gentleman's question of what am I for, I am for producing that coal. I am for the advanced technologies that would turn coal into gas and liquid fuel. That is what we need, are credits, incentives, other vehicles that will make it attractive for industry to produce that alternative fuel from coal. We are the Saudi Arabia of coal in this world. It makes no sense that we do not put in true incentives for developing that coal. I myself quite honestly would rather see a surface coal mining project than a windmill farm. That can be effectively reclaimed. It produces jobs both in the initial mining and in the reclamation process and in some cases can even clean up our environment better than previous to the mining. It certainly can provide better job-creating opportunities in the long run, such as industrial parks, the flatland is such a premium in the terrain from which I come, and other related industry that comes from such a project.

This current bill by eliminating the public input, by speeding it up so quickly that the public does not have an adequate say in the approval or disapproval process, in my opinion, does not add one iota to improving and increasing our domestic energy supplies. That is my problem with this bill, is that it does run roughshod over that process and I do not see where it is necessary to change that process, because that process, in this gentleman's opinion, has not hampered our energy production in this country. I want to see our domestic sources of energy explored further so we can indeed produce energy that this country needs without reliance upon foreign sources.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding. By our standards, this is an extremely short bill. It is 2½ pages. I have read and reread and looked at this. I do not see in here where they say that we are eliminating the public comment. It says consider public comments that specifically address the preferred action that are filed within 20 days. If it is the time limit part, if that is where they have the major heartburn over this, I will go to current law and 45 days if their opposition to the bill is based upon that. Because there is nothing else in here that eliminates all of the public comment that is currently required and accepted under NEPA. I am not sure where they are getting that. They might have read it in somebody's memo, but it is not in the bill.

Mr. RAHALL. Reclaiming my time, I would respond to the gentleman, the biggest problem I have is eliminating alternatives that are available to a project. It is either, as I understand the bill, the developer's alternative or no alternative to a project. That in my opinion is more devastating than limiting the public input time to 20 days

which, the gentleman is correct, is the time limit in the bill. That is the problem that I have.

Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. UDALL), a distinguished member of the Committee on Resources.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the ranking member, who has, I think, done an excellent job at raising the serious questions that need to be raised here, for yielding me this time. I also rise in opposition to this bill. As a representative of the Third District in New Mexico, I am a strong supporter of renewable energy projects. New Mexico has become home to many renewable energy projects and in our State renewable energy policy is very progressive. Just last year, the State legislature enacted a renewable portfolio standard that would require utilities to generate 10 percent of power from renewable energy sources by 2011. Our Governor and members of our congressional delegation have worked to make New Mexico a showcase for renewable energy. This can be done.

I think most if not all of my colleagues on this side of the aisle are great proponents of renewable energy. In fact, many of them are cosponsors of my bill to create a Federal renewable portfolio standard. Last night I tried to offer that bill as an amendment to the larger energy bill, but it was rejected by the Committee on Rules in favor of a closed rule, denying the amendment. That amendment would require electric utilities, except co-ops, to obtain 15 percent of their power from renewable energy resources by 2020 and an additional 5 percent by 2025 so that by 2025, 20 percent of retail electricity suppliers' power production would be derived from a portfolio of renewable energy resources.

If the author of this bill being debated today is serious about renewable energy, why is he so hesitant to support real reform of our energy policy? Why will he gladly strike regulations requiring environmental impact statements while refusing to enact a Federal renewable portfolio standard or even to debate it?

If Members think that H.R. 4513 is going to encourage and increase renewable energy projects, they are sorely mistaken. This bill will only serve to undermine the National Environmental Policy Act and to slash the current safeguards we have in place to ensure that new projects do not seriously harm our environment. I urge my colleagues to vote against this flawed bill.

Mr. POMBO. Mr. Speaker, will the gentleman yield?

Mr. UDALL of New Mexico. I yield to the gentleman from California.

Mr. POMBO. Mr. Speaker, where in the bill does it strike the need for environmental impact statements?

Mr. UDALL of New Mexico. It strikes the alternatives.

Mr. POMBO. The gentleman's statement said, and I appreciate him correcting that, because there is nothing

in this bill that slashes the environmental impact statement requirements. There is nothing in this bill that slashes any of our environmental laws.

Mr. UDALL of New Mexico. So the gentleman is saying that this does not impact NEPA at all? I do not think that is a correct reading. I believe that the NEPA requirements, the NEPA alternatives, are seriously impacted by this piece of legislation. And why are we cutting out the public when it comes to renewable energy?

Mr. POMBO. Where are we cutting out the public?

Mr. UDALL of New Mexico. Reclaiming my time, why are we cutting out the public when it comes to renewable energy? Why has this side of the aisle refused to debate the issues that are the real issues here, getting our power companies to participate and go forward with renewable energy? It seems to me that there is a lack of wanting an open debate. They want a closed system. They want a closed rule. They do not want any amendments. I do not understand it, but I guess they just do not want an open debate on these issues.

Mr. POMBO. Mr. Speaker, I yield myself 4 minutes. Just in response to my colleague, there is nothing in here that eliminates the public comment period. There is nothing in here that reduces the public comment. As I have said repeatedly, if the big problem is 20 days or 45 days to respond, then I would be happy to go to 45 days for their support on this bill.

In regard to the gentleman's amendment that he offered on the big energy bill, he is perfectly comfortable mandating that a State adopt 15 percent of their energy coming from a renewable resource but he is unwilling to do anything to make that happen. What we are trying to do in this particular piece of legislation is make it easier for people to build renewable energy projects. That right now has proven to be extremely difficult. In flying from the State of New Mexico, which is mostly public lands, into the State of Texas, you cross a line. On one side of the line they have renewable energy projects. On the other side of the line, they do not. It is the same conditions, the same wind, yet it is that much more difficult to build on public lands in the State of New Mexico than it is on private lands in the State of Texas. In my area of the country, in California, in my particular district, we have thousands of windmills. None of those are built on public land. They are built on private land. But you have to build windmills where the wind blows. You cannot just do it where somebody thinks it is a good idea. What we are trying to do is make it easier for people to build where the conditions are. In some cases that happens to be on public lands. That is what we are trying to do.

I do not understand how they can keep talking about being in favor of renewable energy and then scramble

around and try to find a reason to be opposed to this bill.

Mr. UDALL of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, the gentleman from California knows we have lively debate in our committee.

Mr. POMBO. And I never stop that.

Mr. UDALL of New Mexico. The gentleman should be credited for that. But we are not being allowed alternatives on this bill. That is exactly what they have done in this bill on NEPA. They have an up-or-down NEPA process with no alternatives. That, I submit, is a sham process.

□ 1345

Mr. POMBO. Mr. Speaker, reclaiming my time, when one has a project, and I will take windmills, when one has a project and the wind blows on this hill and it is public land and they go to BLM and say we want to build a project of 200 windmills on this piece of land, the BLM looks at that. They go through all their environmental review, and they tell them yes or they tell them no. That is what we are trying to do. We do not want to spend 10 years in court deciding whether or not it meets all of the different alternatives that are put out there. If it does not meet all the environmental restrictions that are in place, if it does not have the environmental impact statement, if it does not meet the Endangered Species Act, all of the environmental restrictions, then BLM says no. It is not that complicated. You guys are just scrambling, looking for a reason to vote "no."

Mr. UDALL of New Mexico. Mr. Speaker, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, we are voting "no" on a matter of principle.

Mr. POMBO. You are voting "no" on politics, and you know it.

Mr. UDALL of New Mexico. Is the gentleman going to yield to me or not?

Mr. POMBO. I yield to the gentleman.

Mr. UDALL of New Mexico. We are voting "no" because you have made a sham of the NEPA process by saying vote up or down. You know very well that what NEPA is all about is looking at alternatives. If you do not have any alternatives, you make it into a sham.

Mr. POMBO. Mr. Speaker, reclaiming my time, that is not what NEPA is all about. But what we are trying to do is make the system less bureaucratic, more efficient, force whoever is applying for the permit in that project to actually go at it in a way that it could become a reality. Right now, as the gentleman knows and I know, these projects are not being built on public lands and a big part of the reason is the bureaucracy.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from Colo-

rado (Mr. UDALL), a valued member of our Committee on Resources.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from West Virginia for yielding me this time.

Mr. Speaker, I rise in opposition to this bill and express my opposition to the other energy bills we are considering today and tomorrow as part of what the Republican leadership is calling Energy Week.

I would like to start with this bill, the Renewable Energy Project Siting Act. As the Members know, I am co-chair of the Renewable Energy and Energy Efficiency Caucus, so some may wonder how I can be opposed to the bill. And the answer is that the bill is not what it claims to be, and I oppose it for what it really is.

Voting against the bill does not mean opposing the development of clean renewable energy technologies. Instead, it means being opposed to rushing the development of energy projects without first subjecting them to the full environmental and public health review required by the National Environmental Policy Act, or NEPA.

In my experience and my understanding of the history, environmental analysis has not held up siting of a sound renewable energy project; so there is no need for the bill. If we look at the simple purpose of NEPA, it is to require that the Federal Government looks before it leaps to make sure that the benefits of a project do not come at the expense of the environment. That is a sound rule, and it should be maintained. So for that reason I cannot support this bill.

At this point let me, if I might, briefly discuss the other energy bills on this week's agenda. There is no doubt that we in the Congress need to pass a comprehensive energy bill. But the bills we will be considering this week will not address the real problems we face today, high energy prices and finite supplies of fossil fuels. Instead, at most it merely postpones the inevitable transition from hydrocarbons that we need to make by subsidizing oil and gas production at the expense of cleaner and more efficient technologies. Drilling in the wildlife refuge in Alaska will not help us get out of this bind, which is again one of the reasons I will oppose that bill when it is considered tomorrow.

And the other bill we will consider tomorrow, to make it easier for refineries to restart and be developed in areas of high unemployment by relaxing environmental regulations, will not do anything to affect oil prices and could create environmental hazards for the residents of these areas.

Mr. Speaker, the fact that the Republican leadership is forcing this debate on these bills we have already considered not only indicates a lack of imagination but also an admission that they have no plan to address rising gas prices and the energy needs of this country.

This appears to be an exercise in politics, not policy. If we get serious in

this House about addressing our energy concerns and developing a real energy policy, I know we can find common ground. But this week's showboating is not serious. I urge my colleagues to oppose these bills.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy for yielding me this time and permitting me to speak on this.

One would think that if our Republican colleagues were so concerned about renewable energy, they would not have bottled up the wind energy tax credit that has been allowed to expire, languishing, stopping projects in my district that the business community, the environmental community, and farmers, frankly, who would like to harvest a little wind, would have benefited from. The months go by. It ticks off. We could have had a clean, precise, up-or-down vote on extending the wind energy tax credit if we were serious about renewables. It would have passed by 400 votes on this floor if the gentleman and the Republicans were serious about it and not bollix it up with a whole range of other items. Instead, we are given a proposal that would compromise the development of renewable energy by narrowing the scope of NEPA.

It is true that we have a shell of NEPA under this proposal, but it is basically an up-or-down vote. They seek to compromise the amount of time that is used. It is part of this notion of dodging the fundamental issues, a failure to pass a comprehensive energy bill that would really help renewables; that would help energy conservation; that would provide a vigorous debate on the floor of this House on things that would be able to help move the country forward. Instead, we are given this proposal.

Let us talk about this proposal for a moment. Certainly, hydroelectric energy is a renewable resource. We have got 400 or more dams that were licensed in the 1950s that were never under the NEPA process. If this proposal that has been advocated for us today is approved, these 400 dams will move forward without ever having the benefit of the complete environmental review. It is not about just an up-or-down. Anybody who has worked in areas where there has been significant environmental controversy knows that having the full range of alternatives being discussed, being debated, being analyzed results in having stronger proposals.

I have listened in vain to hear all of the proposals that have been sidetracked because renewables have been bollixed up in some sort of protracted environmental analysis. We are still listening. Where is the list of the projects? I am not aware of any. But

let me say that there is a precise analogy to what happens sometimes on projects that have been hung up when we look at some that are in the infrastructure arena and what happens when people ignore the requirements of the law, when people do not engage the public, when they do not do a good job of studying the environmental impacts. Then we find that people push back. Then we find that we have inadequate proposals. Then the local politics intervene, and the people insist that the project be halted so it can be done right.

I would respectfully suggest that enabling hydroprojects to be built in virtually any waterway in the United States without a full range of environmental analysis is not good public policy and will engender more negative reaction. To have 400 dams that were never involved with a full range to begin with go through relicensing under this proposal would be a mistake.

I would hope the time will come that we can have an honest debate on a range of proposals that the American public deserves.

Mr. POMBO. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. BOEHLERT).

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in opposition to this bill.

Mr. Speaker, this bill is the ultimate Trojan horse. It is an attack on fundamental environmental policy dressed up to look like an effort to promote alternative energy.

Alternative energy is not being held back by environmental law. There are many steps we could take to promote alternative energy—through tax incentives, through research and development spending, through renewable portfolio standards, through energy efficiency standards. But we're not taking many of those steps. Instead, we're offered this false choice between environmental policy and alternative energy.

This bill would undermine the fundamental protection offered by the National Environmental Policy Act, or NEPA. Under this bill, alternative proposals would not have to be examined. What that does is disempower individuals and communities, who will no longer be able to fully debate where and whether alternative energy projects would be built. Reforming NEPA is one thing and I am receptive to working constructively toward that end, but abandoning it is something else indeed and should not be allowed.

And keep in mind that alternative energy in this bill is very broadly defined. Garbage incinerators would qualify; new dams would qualify. This bill would short-circuit review of such projects.

I am one of the strongest supporters of alternative energy in this Congress. I get frustrated when folks fight against wind farms on aesthetic grounds, for example. But I don't think that we need to avoid proper environmental review on alternative energy projects.

I urge my colleagues not to fall for this charade. Vote "no."

Mr. POMBO. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN).

Mrs. CUBIN. Mr. Speaker, I would like to tell the gentleman from Oregon (Mr. BLUMENAUER), and I guess he has left the floor, one such wind project that has been held up by lawsuits is a project off Nantucket Sound. The investors are there; the money is there. But there has been a lot of opposition to that wind project.

I do have to agree with the gentleman from Colorado on one thing. Everything that has been said here today is about politics, but it is about politics on that side of the aisle. They want to have it both ways, Mr. Speaker. They want to say they support renewable energy production in the United States, but they do not because they look for anything they can find to vote against any proposal that is made going in the right direction to increase our renewable energy supply.

Let us talk about this just for a minute. I want to explain the process of a NEPA review. There is an investor that spends millions and millions of dollars in order to put together a proposal to bring it to the point that it asks for an environmental review. Beyond that, the government spends millions and millions and millions of dollars going through this analysis, compiling the information. So if one asks for a project, a renewable energy project, the actual effect that this bill will have by reducing the number of alternatives is that it will make the investor come with the best environmental deal he can possibly put together because he has only got one shot at it. All of those millions have to be spent before he makes one penny. He has got one shot at it. Either the project is approved or it is not. Not one environmental aspect is changed. There is no lowering of the public comment. The only difference is the time. And as the chairman said, he will increase the scoping period to 45 days.

But I ask you to quit trying to have it both ways. Think of America before you think of your own personal politics and the politics of the extreme environmental organizations of this country. They come right out and they say they do not want any production. Why do you not be honest and say the same. In your mind it is all about defeating George Bush. You are putting politics first.

We need to produce energy for this country because we are nationally in jeopardy; our safety is in jeopardy; and our future and the future of our children is in jeopardy. So I ask the Members to support this bill. Allow these projects to be heard and not held up in courts of law for 10 or 15 years.

□ 1400

Mr. RAHALL. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from West Virginia (Mr. RAHALL) has 6½ minutes.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in response to several comments made on the other side and in further response to what I said earlier, it is not the fact that the majority is trying to eliminate completely the public comment phase of NEPA.

As I noted in my opening comments, they would limit that to 20 days, and I understand through the debate there is going to be an offer to extend that to 45 days; but that is not the main issue that we have tried to make on this side of the aisle.

The main issue is the fact that in the pending legislation, alternatives to renewable energy development would be eliminated. Take one example from my home State of West Virginia. If a developer comes in and wants to develop a wind farm on a beautiful mountain site in Pocahontas County, then the way this bill is constructed, there are only two alternatives. Either the developer's initial proposal accepted or rejected; or a rejection, no project at all.

There would be no process whereby alternative sites would be considered, whether for environmental or whether for economic or whether for social or whatever other reasons may come into play. The developer could not consider an alternative site maybe over another mountain ridge, because this pending bill, by wiping out the Federal agency's alternative to look at alternatives, strikes that completely; and that is the main reason that I am opposing this bill.

We have asked for sites from the majority, for examples of sites that have been delayed because of unnecessary NEPA regulations. The gentlewoman from Wyoming (Mrs. CUBIN) finally came up with one site. She mentioned a windmill farm in the Cape Cod area, and I would like to respond by reading from the developer himself. This is from Dennis Duffy, the vice president of regulatory affairs for the Cape Wind Associates, as quoted in the Cape Cod Times, when he said, "The Cape Wind, the developer in this case, fully agrees with the Federal authority that offshore commercial activity should be based on a full and fair review of proposed developments, including consideration of human, economic, social, and environmental factors as well as other potential uses of the seas."

He went on, "The ongoing review of the Cape Wind project is proceeding in full compliance with the provisions of both NEPA and the Coastal Zone Management Act and specifically includes the preparation of comprehensive EIS and the consideration of alternative project locations."

So the example cited by the gentlewoman from Wyoming (Mrs. CUBIN), I submit, is not one that calls for the gutting of NEPA.

In conclusion, Mr. Speaker, this legislation is unnecessary. The proponents have failed to produce projects that have been held up that would call for the enactment of this legislation.

In addition, there have been charges from the other side that politics come into play on this legislation. Well, I am kind of shocked. The last I checked, they are in control of the agenda in this body. Our side is not in control of that agenda. The last time I checked, this is part of an energy message week, originally scheduled for last week but postponed until this week. And I dare say that a few of the bills on the agenda in this body this week, while no doubt will pass, will never see the light of day in the other body because more reasoned and judgmental Members will make decisions thereupon.

So I think that is a false charge and one that should never have been brought up in the first place.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind the Members to avoid improper references to the Senate.

Mr. RAHALL. I guess the Speaker was calling into question my describing the other body as the reason?

The SPEAKER pro tempore. The Chair was simply reminding Members that remarks in debate in the House may not characterize actions of the Senate or its Members.

Mr. POMBO. Mr. Speaker, I have just myself as the closing speaker. Does the gentleman from West Virginia (Mr. RAHALL) have additional speakers?

Mr. RAHALL. No. Mr. Speaker, I have no further requests for time on this side. I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself the balance of our time and will just say I appreciate the gentleman from West Virginia's (Mr. RAHALL) statement, and we have had over the last year and a half a chance to work together on a lot of different issues. I will tell my colleagues, on this bill we are trying to streamline the process and move it along. The gentleman's example, the letter that he read from the gentleman from Massachusetts, I think is a valuable example of what is wrong with the current system. If you actually look at the letter that the gentleman just read, he does not say in there that the process has not been held up by the current system. He is saying that they are going along with the current NEPA process and the EIS process and everything else, and I agree with that.

I believe that NEPA is an extremely valuable tool for the Federal Government and for our bureaucrats out there to make sure that anything that is going forward on public lands has the minimal impact on the environment, and that is what we should do. But in the gentleman's example about someone wanting to build a windmill farm in a pristine site, if that is the case, if someone comes forward with a windmill farm in a pristine site that BLM or Park Service or Forest Service or anyone else says they do not want windmill farms there, they say no.

What we are trying to avoid is multiple years of going through the process of studying non-viable options to that specific project, and that is what is considered under current law.

If you want examples of where this is not working, all you have to do is look at the difference between New Mexico and Texas. Where in Texas they are developing alternative energy and they have windmill sites on the public lands, across the border in New Mexico they are not building them. It is not because anybody was told no, it is because the developers look at it and they say, I can build here and start within a year or two. If I try to do it on public lands, it is going to take me 4, 5 or 10 years to go through the process. So they do not even try.

If you are in favor of doing alternative energy projects, then you have to support this bill, because that is what we are doing. We are trying to streamline the process in order to bring those projects on.

The gentleman from Oregon earlier talked about the wind energy tax credit. I am a huge proponent of that. We have windmills in my district. If it was not for the tax credit, they never would have been built. But they were built on private land. None of the public land has windmills on it because of the process that they have to go through. If the gentleman is angry about the wind energy tax credit, that is simple: Just tell the Senate to pass the energy bill. It is in there. We have passed it out of here three times already.

So as we move forward with this legislation, I would encourage my colleagues on the left to take another look at it, because this truly is an intent to bring more alternative energy into the process and to make it a viable industry for all of the people that are out there trying to find different ways, other than fossil fuel, to power our country.

Finally, I would say to my friend from West Virginia, when you are talking about windmills, you have to build them where the wind is. You cannot go to the developer and say we want you to pick an alternative site. That is like going to your coal miners and saying we want you to pick an alternative site. They have to mine where the coal is. You cannot tell them go look in my district in California. We do not have coal. In your district you do. That is why they mine for coal there.

Well, we have wind. That is where the wind is, and that is where you have to build the windmills. That is the same thing on public lands, you have to build them where the wind blows. To try to tell them they have to pick an alternative site, really, you are not accomplishing anything if you truly want to bring alternative energy into the market.

Finally, I would just say as we move forward with this bill, if there are specific issues in here that the gentleman wants to work on, I will work with him on it, and he knows that. If it is 20 days

or 45 days, we can look at the difference between doing that. But we really do need to move forward with this bill.

Mr. DELAHUNT. Mr. Speaker, I join today with a dozen national environmental organizations in opposing legislation rushed to the House floor to gut the National Environmental Policy Act, as well as three other shopworn legislative assaults on conservation statutes.

In recent months, the Republican congressional leadership has packaged groups of bills—often proposals rejected in the past—for congressional votes to highlight a partisan rhetorical theme. This week's emphasis is on energy policy, bringing a battery of four measures before the House. These measures include provisions to open the Arctic National Refuge for energy exploration and to provide liability protection for groundwater contaminants. None of the bills will reach the Senate; none will become law.

While none of these proposals will become law, they reflect the congressional leadership's obsession with private energy speculators over the public interest. In recent years the Congress has rubber-stamped Bush Administration proposals to defer stewardship of public lands to mining, grazing and timber interests. Today, the Leadership is offering an even bigger prize, the gutting of the National Environmental Policy Act (NEPA).

The "Renewable Energy Project Siting Improving Act" is designed to weaken one of the bedrock federal environmental protection statutes, ostensibly to "promote" renewable energy. When enacted 30 years ago at the behest of President Nixon, NEPA was landmark legislation to create a coherent and predictable framework for responsible environmental decisions—among other things, guiding the scope and preparation of environmental impact statements (EIS). Many states, including Massachusetts, have used NEPA as models for their own statutes.

The NEPA-related bill brought before the Congress today would:

Effectively eliminate the EIS by forbidding public agencies from even considering alternatives to a project under review;

Broaden the definition of a "renewable energy project, potentially to include coal mines, oil shale, or even oil and gas drilling; and,

Cut back the comment period on proposed projects to 20 days, making it virtually impossible for states or the public at large to participate.

Given the sweeping nature of these proposed changes, it is particularly galling that the legislation reached the House floor within days of its original introduction—and without a single hour of committee deliberation. As the Medicare discount cards were a gift to the pharmaceutical industry, the energy siting bill would grant substantial new leverage to the energy industry developers of a wide range of projects, from hydroelectric dams to wood-burning plants to offshore wind farms.

If this Congress has any real desire to promote renewable energy, a perfect place to start is with policies and standards to develop offshore wind power. Our oceans provide significant opportunities to develop renewable energy from the wind. Projects of all sizes are being considered up and down the east coast, as well as in Nantucket Sound—nominated on several occasions by federal and state officials to be designated a national marine sanctuary,

until Congress placed a national moratorium on that process.

Even though the Congress has yet to authorize the use of federal waters for this purpose, developers are floating trial balloon projects in many locations. In the wake of all this interest, the consensus in Congress and among a number of federal, state and local officials is that we need new and better policies—not less scrutiny—to guide the siting and licensing of these projects.

Even President Bush's Ocean Commission agrees. They were charged with developing practical recommendations to improve the management of our coast. They rightly condemn the current regulatory process led by the Army Corps of Engineers, but at the same time outline a number of constructive recommendations which could accelerate the development of responsible offshore wind farms. Yet not one of the commission's recommendations can be found in this proposal; and on occasion has the President's Ocean Commission cited NEPA as an issue of concern.

At the very least, the Congress could consider my own bipartisan proposal, the Offshore Renewable Energy Promotion Act, which authorizes the use of our oceans for renewable energy projects. It creates a siting process that brings together states, fishermen, mariners and other marine interests to first identify the best sites, uses and scale of projects. It embraces the concept of ocean zoning, an approach similar to that used on land where local officials guide development to the best locations, protecting important natural resources and minimizing conflicting uses.

The proposal I introduced with Republican Congressman JIM SAXTON, builds on existing coastal zone planning efforts. It proposes a transparent bidding and licensing process that is open to all, even municipal or local utilities, similar to offshore oil and gas. Even the ocean task force established by Republican Governor Mitt Romney strongly criticizes the current first-come first-served approach, which rewards developers to exploit gaps in current law.

It's bad enough that the Leadership insists on taking valuable floor time to rehash bills that the Congress has already debated and voted on. It's inconceivable that, in the name of renewable energy, we're asked to turn one of our most effective environmental statutes into one of the biggest loopholes in the U.S. Code.

That's why this bill has earned the vigorous opposition of the Sierra Club, Friends of the Earth, the National Environmental Trust, National Wildlife Foundation, World Wildlife Fund, Defenders of Wildlife, Union of Concerned Scientists, National Resources Defense Council and countless others with genuine concern about environmental protection. On their behalf, I urge my colleagues to join with me in voting in opposition to H.R. 4513.

Ms. MCCARTHY of Missouri. Mr. Speaker, I strongly support a comprehensive national solution to our energy needs. In developing a national energy policy, it is imperative that we address cost, reliability, environmental impact, and consumer protection. We must consider ways to invest in alternative energy technologies to reduce dependence on foreign oil, provide stable prices for consumers and businesses, address global warming and bolster our nation's energy security. I supported the original Energy and Commerce Committee

measure which accomplished these objectives. H.R. 4503 reinforces our dependency on foreign sources rather than providing the American people with a more secure system, H.R. 4503 exempts energy production companies from vital environmental regulations. Further, it repeals the Public Utility Holding Company Act, a law specifically designed to protect ratepayers from risky investments. Instead of preventing another California energy crisis or Enron scam, this legislation opens the door for more corporate fraud.

This legislation fails to offer any meaningful assistance in the effort to update and modernize our nation's transmission system. Although Missouri was not affected by the recent blackouts, much of our transmission system suffers from the same outdated equipment that left our neighbors to the north and east in the dark.

This legislation also fails to secure our nation's drinking water. Despite the fervent objections of communities who experienced the devastating effects of the dangerous fuel additive MTBE, this legislation includes a waiver of all liability for MTBE manufacturers. MTBE has contaminated the drinking water of hundreds of towns and cities across the national and this legislation forces taxpayers instead of polluters to pay the bill. The Senate has already voiced its displeasure with this provision and the Republican leadership knows that this bill could actually become law if they removed this harmful waiver.

Today, the House is also considering H.R. 4513, the Renewable Energy Project Siting Improvement Act. As a strong advocate of renewable power, I fully support efforts to expand our reliance on renewable energy sources. In addition to their numerous environmental benefits, renewable energies also decrease our reliance on foreign sources of energy. Unfortunately, today's bill is actually opposed by leading advocates of renewable energy because it shortchanges federal, state, and local policymakers who want to be involved in the careful and correct planning of renewable energy projects. Mr. Speaker, renewable projects in this bill, including incinerators and dams, often leave an enormous footprint on surrounding communities and ecosystems. Yet this legislation would limit the options available to policymakers when considering the approval of these projects. The bill would also severely limit the public comment period available to local communities and leaders concerned about the impact of these projects. I would hope all of my colleagues will join me in rejecting this ill conceived legislation.

This week, the House is also expected to consider H.R. 4517, the Refinery Revitalization Act. This bill, which was never considered by the Energy and Commerce Committee, creates procedures intended to expedite the process of restarting idle oil refineries or constructing new refineries. To accomplish this goal, this legislation would designate the Energy Department as the lead agency for all refinery permitting. Under this bill, local, state, and EPA permitting processes would be skipped. The Energy Department would be given the authority to impose strict deadlines for completion of permitting, and would have the ability to drastically limit public comment and appeals. I hope my colleagues reject this measure and work together for a solution that reduces cost to consumers without detriment to our environment.

Mr. Speaker, Americans deserve an energy policy that protects our consumers, our environment, and our national security. I support legislation that will provide a real, long-term, comprehensive energy policy. The Democratic motion to recommit will work to lower gas prices, stop price gouging, and prevent future blackouts. I urge all my colleagues to support this sensible, long term alternative.

Mr. MARKEY. Mr. Speaker, I rise in opposition to H.R. 4513, the Renewable Energy Project Siting Improvement Act.

This bill should really be called the Non-negotiable Energy Project Siting Act. This is a gift to those who would like to gut the National Environmental Policy Act, wrapped in the green paper of renewable energy.

If the Republican leadership really cared about increasing renewable energy use in America, today we would be debating the extension of a renewable energy production tax credit, or a renewable portfolio standard or even national interconnection standards. Those are the policy priorities of the renewable energy industry, not gutting our national environmental laws.

Instead of taking up those policy priorities, the Republican leadership has decided instead to just take the public out of the process. H.R. 4513 would eliminate the requirement that any alternative other than not building the project be considered, and it limits the public comment period to just 20 days. 20 days is an inadequate amount of time for the public to respond to complicated energy projects like hydroelectric dams and waste incineration, which are included in the bill's broad definition of "renewable energy project." This bill says to sportsmen and Indian tribes that their comments on potentially harmful dam projects don't matter. This bill says to parents that their comments on plans to build dirty waste incinerators next to their children's schools don't matter.

This is a Republican solution in search of a problem. You'll hear a lot about wind energy today, but the fact of the matter is that 6374 megawatts of wind power have been developed under the current regulations. It is the start-stop nature of the renewable energy production tax credits under the Republican controlled Congress and White House that are making it difficult for developers to bring more wind energy online.

Democrats are ready to debate long-term production tax credits. Democrats are ready to debate a national Renewable Portfolio Standard. Democrats are ready to debate interconnection standards. But instead the Republicans just want to eliminate public involvement in energy projects that impact their families.

I urge my colleagues to vote against this misguided bill and preserve the public's right to comment on energy projects—renewable or not—that impact their families.

The SPEAKER pro tempore (Mr. ISAKSON). All time for debate having expired or been yielded back, it is now in order to consider the amendment made in order pursuant to House Resolution 672 in Part A of House Report 108-540.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A Amendment printed in House Report 108-540 offered by Mr. POMBO:

Page 3, beginning at line 13, strike "or the combustion of".

Page 3, line 13, insert a comma after "oil".

The SPEAKER pro tempore. Pursuant to House Resolution 672, the gentleman from California (Mr. POMBO) and a Member opposed each will control 5 minutes.

Mr. RAHALL. Mr. Speaker, although not in opposition to the amendment, I wish to claim the time in opposition.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control the time in opposition.

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this amendment would clarify that the environmental review process in H.R. 4513 would not apply to oil and gas leasing activities. This amendment would remove any confusion about what this bill does or does not do.

We have discussed this bill with the minority and they offered this change to the base text. After having gone back and forth, I believe this is a necessary change to the underlying bill to eliminate any confusion that there may be. By making this change, this amendment incorporates all of their proposed changes, short of rewriting the bill. Rewriting this bill would mean doing nothing to promote renewable energy development, which I find unacceptable.

I support this amendment, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no objection to the gentleman from California's amendment clarifying the obvious fact that oil and gas and coal are not renewable energy sources.

I do not think though that this is the end of the attempts to expand NEPA exemptions, and I urge those concerned about the integrity of coastal areas to remain vigilant. I would note, however, that even with this amendment, the pending legislation could be construed as providing NEPA exemptions to the construction of new hydropower dams on rivers and it could apply to incinerators using garbage or other waste products.

As I read the text, the exemptions in this bill include hydropower and incinerators which generate power. As the gentleman from California is well aware, siting of dams and incinerators are very controversial matters and it is important, I believe, that the public knows what we are doing here on the floor today to their rights.

Mr. Speaker I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I appreciate the gentleman working with me on this particular amendment, but again I would say that in regard to his final comments there is nothing in this bill that eviscerates, guts, dissects or any other thing our Nation's environmental laws. All it does is it makes the system more efficient by reducing the number of alternatives that have to be looked at on a renewable energy project.

If somebody wants to build a garbage burning incinerator in the middle of a national park, we both know that the answer is no before they even apply for a permit. But I guess trying to scare people on this tries to make things work.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time having been yielded, pursuant to House Resolution 672, the previous question is ordered on the bill and on the further amendment by the gentleman from California (Mr. POMBO).

The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4513.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ENERGY POLICY ACT OF 2004

Mr. HALL. Mr. Speaker, pursuant to House Resolution 671, I call up the bill (H.R. 4503) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

The Clerk read the title of the bill.

The text of H.R. 4503 is as follows:

H.R. 4503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,